

LOUISVILLE METRO COUNCIL COMMITTEE MINUTES

Special Rules, Ethics, and Appointments Committee Meeting Summary

December 16, 2008

1:35 PM

City Hall, Third Floor

Present: **Chairman:** **CM Fleming**
 Members: **CM Henderson, CM Call, and CM Tandy**

Absent: **CM Unseld (Excused)**

Chairman Fleming began the meeting by announcing the members and non-members of the committee that were present. A quorum was established.

AGENDA:

Shannon Tivitt, Mayor's Office, spoke regarding the following Appointments.

AP121608RB APPOINTMENT OF ROBERT BARNETT, III TO THE HARRODS CREEK FIRE DISTRICT BOARD, TERM EXPIRES JUNE 30, 2011.

Status: In-Committee

Committee: Contracts

Motion to Approve made by Robert Henderson and seconded by Ellen Call.

Discussion: Mr. Barnett is a Caucasian Democrat from District 16.

This item was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 1

For: Kenneth C. Fleming, Robert Henderson, Ellen Call, David Tandy

Against: (None)

Abstain: (None)

Absent: George Unseld

AP121608FJ APPOINTMENT OF FRANKLIN JONES TO THE URBAN RENEWAL COMMISSION, TERM EXPIRES JUNE 30, 2012.

Status: In-Committee

Committee: Contracts

Motion to Approve made by Robert Henderson and seconded by David Tandy.

Discussion: Mr. Jones is an African American Independent from District 4.

This item was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 1

For: Kenneth C. Fleming, Robert Henderson, Ellen Call, David Tandy

Against: (None)

Abstain: (None)

Absent: George Unseld

AP121608NW APPOINTMENT OF NICOLE WALTON TO THE WATERFRONT DEVELOPMENT CORPORATION, TERM EXPIRES JULY 31, 2010.

Status: In-Committee
Committee: Contracts

Motion to Approve made by Robert Henderson and seconded by Ellen Call.

Discussion: Ms. Walton is a Caucasian Democrat from District 7.

This item was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 1

For: Kenneth C. Fleming, Robert Henderson, Ellen Call, David Tandy
Against: (None)
Abstain: (None)
Absent: George Unseld

O-214-11-08 AN ORDINANCE AMENDING CHAPTER 21 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES [LMCO] RELATING TO ETHICS.

Status: In Committee - Held
Committee: Rules, Ethics, & Appointments
Primary Sponsor: Kenneth C. Fleming

Motion to Approve was made by Robert Henderson and seconded by David Tandy.

Discussion: Matthew Lemme, Assistant County Attorney was present to speak and answer questions. The following was discussed:

- Definitions
- Appointment Process – Need 2/3 vote from the Council
- Changes to the Ordinance and Possible Amendments to the following sections
 - 21.01 Definitions
 - Appointing Authority
 - Metro Officer
 - Non-profit Organization
 - 21.02 Standards of Conduct
 - 21.06 Conflict of Interest
 - 21.08 Financial Disclosure
 - 21.10 Louisville Jefferson County Ethics Commission
 - 21.11 Complaints
 - Section II Effective Date
- Number of Commission Members will remain at 7 with a Quorum of 4
- Accountability of Commission Members
- Removing the language of a Subordinate
- Definition of Metro Officer
- Designation of Subordinates
- Need objective guidelines and a threshold

Motion to Amend as follows was made by Ellen Call and seconded by Robert Henderson.

- **21.01 DEFINITIONS.**
 - **APPOINTING AUTHORITY.** The Metro Mayor, ~~Chair of the two largest caucuses of the Metro Council, as defined by Metro Council rules~~ or any of his/her designated subordinates, who appoint the non-elected Metro Officers covered under this subchapter.
 - **METRO OFFICER.** Any person elected or appointed to the office of Louisville/Jefferson County Metro Mayor, Metro Council member, County Attorney, Sheriff, County Clerk, Coroner, Surveyor or Constable; and any person appointed as a deputy mayor, cabinet secretary, chief deputy, chief administrative officer, chief of operations, agency director or department director for the Louisville/Jefferson County Metro Government, or any such other similar managerial type position or position with having the authority to make policy, enter contracts over \$10,000, make

purchases over \$10,000, or with supervisory authority over subordinates as shall be determined by each elected or appointed Metro Officer designated hereinabove; and any person nominated or appointed by the Metro Mayor or the Metro Council to a Metro Agency which has regulatory authority or has independent authority to expend public funds.

- **NONPROFIT ORGANIZATION.** Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, receivership, trust, or any other legal entity through which business is not conducted for profit and the Metro Officer receives compensation.
- **21.02 STANDARDS OF CONDUCT.**
 - In furtherance of the public trust assumed by Metro Officers upon their election or appointment to public office or employment, the following standards of conduct shall be applicable:
 - (A) Any person elected or appointed to the office of Louisville/Jefferson County Metro Mayor, Metro Council member, County Attorney, Sheriff, County Clerk, Coroner, Surveyor or Constable; and any person appointed as a deputy mayor, cabinet secretary, chief deputy, chief administrative officer, chief of operations, agency director or department director for the Louisville/Jefferson County Metro Government shall, within 90 days of passage upon enactment of this subchapter and at least annually thereafter, file with the Ethics Commission a listing of all positions under their direct supervision with managerial type authority or the authority to make policy, enter contracts over \$10,000, make purchases over \$10,000, or with supervisory authority over subordinates.
- **21.10 LOUISVILLE/ JEFFERSON COUNTY ETHICS COMMISSION.**
 - (C) The Ethics Commission shall consist of ~~nine~~ seven members, ~~three appointed by the Majority caucus of the Metro Council, three appointed by the Minority Caucus of the Metro Council, and three~~ appointed by the Metro Mayor. Each of these appointments must be approved by at least a 2/3 majority (18 members) vote of the Metro Council. Members of the Ethics Commission shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. No two Ethics Commission members shall reside in the same Metro Council district. A member of the Ethics Commission shall serve for a term of three years or until his/her successor is appointed. In addition, such Ethics Commission members may be reappointed for one consecutive term and shall not be eligible for reappointment until one year after the expiration of his/her last term. An Ethics Commission member may be removed in accordance with the provisions of subsection (I) of this Section 21.10. No more than four of the members of the Ethics Commission shall be of the same political party, and at least one member shall be a registered Independent. ~~Within 120 days of passage of this ordinance, the Majority Caucus of the Metro Council shall appoint one individual for a term of one year, one individual for a term of two years, and one individual for a term of three years; the minority caucus of the Metro Council shall appoint one individual for a term of one year, one individual for a term of two years, and one individual for a term of three years; the Metro Mayor shall appoint one individual for a term of one year who is registered as a member of one of the two political parties with the most registered voters within Jefferson County at the time of the last general election; and one individual who is registered as a member of the other of the two political parties with the most registered voters within Jefferson County at the time of the last general election for a term of two years; and one individual who is registered to vote as an independent for a term of three years.~~
 - (M) There is hereby created the position of Legal Counsel to the Ethics Commission. The Ethics Commission ~~may~~ shall employ the Legal Counsel on contract on either a full-time, or part-time basis; or may designate the Jefferson County Attorney, or a member of his/her staff as Legal Counsel; provided that if Legal Counsel is employed under contract, they shall neither be employed counsel nor any attorney with whom employed counsel has any affiliation or association shall be employed or under contract in any other capacity with Metro Government.
 - (R)- (S) The Ethics Commission shall ~~periodically (no less than every four years)~~ at least every four years review this Ethics Code, the enforcement of the Ethics Code, and the commission's rules, regulations, and administrative procedures to determine whether they promote integrity, public confidence, and participation in Louisville Metro Government, and whether they set forth clear and enforceable, common-sense standards of conduct. After at least one public hearing, the Commission may recommend to the Metro Council amendments to this Ethics Code.
- **21.13 APPEALS.**
 - A final opinion, order, finding, or adjudication issued by the Ethics Commission under § 24-05 21.10(B)(2), or otherwise, that a Metro Officer has violated any of the provisions of this

subchapter may be appealed to the Jefferson District Court or the Jefferson Circuit Court by the Metro Officer affected by the opinion, order, finding, or adjudication.

- **SECTION II: Effective Date** This ordinance shall take effect ~~six (6) months after its passage and approval~~ on July 1, 2009

The Amendment passed.

VOTING RESULTS: For: 5; Against: 0; Abstain: 0; Absent: 1

For: Kenneth C. Fleming, Robert Henderson, Ellen Call, David Tandy

Against: (None)

Abstain: (None)

Absent: George Unseld

This item as amended was sent to **Old Business**.

VOTING RESULTS: For: 5; Against: 0; Abstain: 0; Absent: 1

For: Kenneth C. Fleming, Robert Henderson, Ellen Call, David Tandy

Against: (None)

Abstain: (None)

Absent: George Unseld

Motion to Adjourn made by David Tandy. Without objection the meeting adjourned at 2:45 P.M.

***NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the December 18, 2008 Council Meeting.**

KQG